IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 31710 of 2006(Y)

PETITIONER:

K.S.GIRIJAKUMARI,
SENIOR SUPERINTENDENT, FISHERIES HARBOUR
PROJECT DIVISION, VIZHINJAM.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.S.K.SHIBU
SRI.PETER JOSE CHRISTO

RESPONDENTS:
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1. CHIEF ENGINEER,
HARBOUR ENGINEERING DEPARTMENT,
THIRUVANANTHAPURAM.

2. S.VALSALA DEVI, SENIOR SUPERINTENDENT,
HARBOUR ENGINEERING DIVISION, KANNUR,
UNDER ORDERS OF TRANSFER TO FISHERIES,
HARBOUR PROJECT DIVISION, VIZHINJAM.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 31710/2006 Y

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER IN B1/1653/02/CE DT. 25/11/2006 OF THE CHIEF ENGINEER, HARBOUR ENGINEERING DEPARTMENT.

EXT.P2. COPY OF THE DISCHARGE SUMMAY FROM K.I.N.S HOSPITAL, THIRUVANANTHAPURAM.

EXT.P3. COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE DOCTOR WHO TREATED THE PETITIONER, DT. 17/11/06.

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K. BALAKRISHNAN NAIR, J.

W.P.(C) No.31710 of 2006(Y)

Dated this the 13th June, 2007.

JUDGMENT

The petitioner, who is a Senior Superintendent in the Harbour Engineering Department at Vizhinjam, has been transferred to Kannur as per Ext.P1 order. As evident from that order, she is being transferred only to accommodate the 2nd respondent, considering her representation dated 27.10.2006. The said representation is referred to in Ext.P1. Petitioner submits that the transfer is issued in violation of the transfer norms, inasmuch as she has not completed her usual tenure of three years at Vizhinjam. The transfer is ordered in the middle of the academic year. According to her, no public interest is involved in the transfer. Only to accommodate the 2nd respondent the order is issued. Petitioner also points out that she is suffering from various ailments, including heart disease.

2. Heard the learned Government Pleader for the respondent.

3. Going by Ext.P1, it is evident that the order is issued only to accommodate the 2nd respondent. But, while passing that order, it would appear, the claim of the petitioner for retention at Vizhinjam has not been considered. Since this Court granted stay of Ext.P1, the said order was never implemented. Therefore, it is ordered that it need not be implemented now. But, this will not affect the powers of the competent authority to transfer the petitioner in future, in accordance with law. If the petitioner is to be shifted to accommodate the 2nd respondent, on the ground that the said respondent has got a superior claim, the competent authority shall consider the rival claims of the petitioner and the said respondent, before passing any order in favour of the 2nd respondent.

This writ petition is disposed of as above.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.